

1

2

3

4

5

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7

UNITED STATES OF AMERICA, )  
Plaintiff, ) Magistrate Judge  
v. ) No. 05-113-01  
MISTY LEE LEWIS, )  
Defendant. )  
\_\_\_\_\_  
)

12

At the April 28, 2005, probable cause hearing and hearing on  
Defendant's Motion to Reconsider (Ct. Rec. 13), Assistant U.S.  
Attorney Stephanie A. Whitaker appeared for the United States.  
Defendant was present with retained counsel Frank Cikutovich. The  
United States did not oppose Defendant's Motion.

18

The Defendant, personally and through counsel, waived  
preliminary examination and on this waiver, the court finds probable  
cause to believe Defendant committed the charged offense

21

**IT IS ORDERED** that Defendant, on the finding of probable cause,  
is bound over to the United States District Court for trial.

23

**IT IS FURTHER ORDERED** that Defendant's unopposed Motion (**Ct.**  
**Rec. 13**) is **GRANTED**. Defendant shall be released on the following  
conditions:

26

1. Defendant shall participate in an outpatient treatment  
program. **Prior to release, her first appointment must be confirmed**

28

1 by Pretrial Services. Defendant shall comply with all of the rules  
2 of the treatment program. If Defendant fails in any way to comply  
3 or cooperate with the requirements and rules of the treatment  
4 program, Pretrial Services shall notify the court and the U.S.  
5 Marshal, who will be directed to immediately arrest the Defendant.  
6 Defendant shall be responsible for the cost of the treatment. Full  
7 mutual releases shall be executed to permit communication between  
8 the court, Pretrial Services, and the treatment vendor. **Defendant**  
9 **shall attend NA meetings at least three times a week.**

10 2. Defendant shall not commit any offense in violation of  
11 federal, state or local law. Defendant shall advise her supervising  
12 Pretrial Services Officer and her attorney within one business day  
13 of any charge, arrest, or contact with law enforcement.

14 3. Defendant shall not commit any offense in violation of  
15 federal, state or local law.

16 4. Defendant shall advise the court and the United States  
17 Attorney in writing before any change in address.

18 5. Defendant shall appear at all proceedings and surrender as  
19 directed for service of any sentence imposed.

20 6. Defendant shall reside with Ms. Chastain and abide by her  
21 house rules. Defendant shall sign and complete form A.O. 199C  
22 before being released and shall reside at the address furnished.

23 7. **Except for substance abuse treatment appointments or**  
24 **employment purposes, Defendant shall have a curfew of 6:00 p.m. to**  
25 **6:00 a.m.**

26 8. Defendant shall remain in the Eastern District of  
27 Washington while the case is pending. On a showing of necessity,  
28

1 Defendant may obtain prior written permission to leave this area  
2 from the United States Probation Office.

3       9. Defendant shall maintain or actively seek lawful  
4 employment, only with the permission and approval of her substance  
5 abuse counselor and Pretrial Services.

6       10. Defendant shall not possess a firearm, destructive device  
7 or other dangerous weapon.

8       11. Defendant is further advised, if this matter proceeds to  
9 Indictment, pursuant to 18 U.S.C. § 922(n), it is unlawful for any  
10 person who is under indictment for a crime punishable by  
11 imprisonment for a term exceeding one year to ship or transport in  
12 interstate or foreign commerce any firearm or ammunition or receive  
13 any firearm or ammunition which has been shipped or transported in  
14 interstate or foreign commerce.

15       12. Defendant shall refrain from the excessive use of alcohol,  
16 and the use or possession of a narcotic drug and other controlled  
17 substances defined in 21 U.S.C. § 802, unless prescribed by a  
18 licensed medical practitioner. Defendant shall submit to a regular  
19 urinalysis, or related testing, as directed by a United States  
20 Probation Officer. Defendant shall undergo a mental health  
21 evaluation, if directed by a United States Probation Officer, and  
22 complete treatment indicated by this evaluation. Defendant shall be  
23 responsible for the cost of testing, evaluation and treatment unless  
24 the United States Probation Office should determine otherwise. The  
25 United States Probation Office shall also determine the time and  
26 place of testing and evaluation and the scope of treatment.

27       13. Defendant shall report to the United States Probation  
28

1 Office before or immediately after her release and shall report as  
2 often as they direct, at such times and in such manner as they  
3 direct. Defendant shall contact her attorney at least once a week.

4           14. Defendant shall have no contact, direct or indirect, with  
5 Co-Defendant Tracy Lewis.

6           Defendant is advised a violation of any of the foregoing  
7 conditions of release may result in the immediate issuance of an  
8 arrest warrant, revocation of release and prosecution for contempt  
9 of court, which could result in imprisonment, a fine, or both.  
10 Specifically, Defendant is advised a separate offense is established  
11 by the knowing failure to appear and an additional sentence may be  
12 imposed for the commission of a crime while on this release. In  
13 this regard, any sentence imposed for these violations is  
14 consecutive to any other sentence imposed.

15       **IT IS FURTHER ORDERED** the United States Marshal shall keep  
16 Defendant in custody until notified by the District Court Executive  
17 or judicial officer that Defendant has posted bond and/or complied  
18 with all other conditions for release. Until such time, Defendant  
19 shall be produced before the appropriate judicial officer at the  
20 time and place specified.

21 DATED April 28, 2005.

22

23

24

25

26

27

20

S/ CYNTHIA IMBROGNO  
UNITED STATES MAGISTRATE JUDGE